

**LOWER PAXTON TOWNSHIP  
PLANNING COMMISSION**

October 13, 2010

**COMMISSIONERS PRESENT**

Fredrick Lighty  
Roy Newsome  
Dennis Guise  
Douglas Grove  
Robin Lindsey  
Richard Beverly  
Ernie Gingrich

**ALSO PRESENT**

Dianne Moran, Planning & Zoning Officer  
Drew Ames, Dauphin County Planning Commission  
Tim Smith, Dauphin County Planning Commission  
Steve Fleming, HRG, Inc.

**CALL TO ORDER**

Mr. Lighty called the regular meeting of the Lower Paxton Township Planning Commission to order at 7:00 pm, on October 13, 2010 in Room 171 of the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Drew Ames introduced Tim Smith, who will be representing Dauphin County starting in November. Mr. Ames explained he has been reassigned to represent the County for Susquehanna Township.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mr. Beverly led the recitation of the Pledge.

**APPROVAL OF MINUTES**

Mr. Newsome made a motion to approve the following meeting minutes: August 11, 2010 regular meeting, August 16, 2010 workshop meeting, and September 20, 2010 workshop meeting. Mr. Beverly seconded the motion, and a unanimous vote followed.

**NEW BUSINESS**

**Final Subdivision & Land Development Plan #10-12  
Shadebrook, Phase 1**

Ms. Moran stated that the Shadebrook plan proposes to develop a 108.828 acre parcel of land into 340 lots consisting of 318 dwelling units and four commercial lots. This parcel is zoned TND, Traditional Neighborhood Development and will be served by public sewer and public water.

On October 7, 2008 the Board of Supervisors approved the Preliminary Subdivision and Land Development Plan for Shadebrook. The Board also approved the following waivers:

1. A waiver is requested to allow property lines to intersect the right-of-way at acute angles [1117.11.d].
2. A waiver is requested to allow roadway centerline radii less than those required by ordinance [1117.06.b].
3. A waiver is requested to allow a maximum grade of 12% instead of 10% [1117.07.b].
4. A waiver is requested from the requirements that blocks shall have a maximum length of 1600 ft. and, so far as practicable, a minimum length of 400 ft. measured from the centerline of the intersecting streets [1117.09(b)].
5. A waiver is requested to allow alleys to change alignment without horizontal curves [1117.06.(a)].
6. A waiver is requested to allow for dead-end alleys [1117.03(j)].
7. A waiver is requested to allow a decrease in the size of clear sight triangles 1117.08.e].
8. A waiver is requested from the requirement that pipes shall be designed so as to provide a minimum velocity of 2.5 ft per second when conveying the design discharge.
9. A waiver of the requirement to provide sidewalks along Union Deposit Road and along Fairmont Drive for the 200 ft. from the intersection with Union Deposit Road to proposed Road I [905].
10. Waiver of the requirement that intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed 4% within 60 ft. of the intersection [1117.07(d)].
11. Waiver of the right-of-way width and cartway width for all streets [1117.05(a)].
12. Waiver of the requirement that driveways shall be located not less than 40 ft. from an intersection [1117.12(a)].
13. Waiver of the requirement that driveways shall be located not less than 10 ft. from a catch basin, drain inlet, or fire hydrant [1117.12(b)].
14. Waiver of the requirement to provide curbing along Union Deposit Road and along Fairmont Drive for the 200 ft. from the intersection with Union Deposit Road to proposed Road I [905].
15. Waiver from the requirement to provide vertical curves in accordance with the regulations to have sag curves with a minimum K value of 26 for safe stopping distances for all stop intersections [1117.06(a)].
16. Waiver from the minimum separation distances for the intersection of streets G, H, A and F [1117.08c].

Ms. Moran stated that Phase I of Shadebrook proposes an additional waiver request as follows: Waiver of the paving requirement for minor streets and alley paving.

Section 1117.14 of Lower Paxton Township's SALDO requires pavement sections for minor streets to consist of 6" of subbase, 3" of base, and 1.5" of wearing. The pavement section for collector streets increases the subbase to 8". The Shadebrook Plan shows a street pavement section of 8" subbase, 3" of 25mm superpave base, 2" of 19mm superpave binder, and 1.5" of 9.5 mm superpave wearing. This is consistent with Lower Paxton Township's proposed ordinance revisions.

The applicant is proposing a Typical Streets pavement section of 8" of subbase, 4.5" of 25 mm superpave base, and 1.5" of 9.5 mm superpave wearing. This proposed pavement section is consistent with PennDOT's design guidelines for local roads as indicated in Publication 70.

They are also proposing a Typical Alleys pavement section of 12" Pa #4 stone, 1" AASHTO #57 subbase and 3" bituminous porous paving. The alleys will be privately owned and maintained.

Phase I proposes residential/commercial development. The tract is zoned R-1 Low Density Residential District, FP, Floodplain Conservation District and TND, Traditional Neighborhood District overlay. Phase 1 consists of 23.151 acres and will contain 71 dwelling units. Phase I proposes 45 units of single family residential (63%), 4 twin dwelling units (6%), 18 townhouses units (25%), 4 second dwelling units above garages (6%) and 2 commercial lots.

Brian Engle, Lead Engineer from Rettew Associates, and Forrest Troutman, were present on behalf of the plan.

Mr. Lighty asked if the only change in waivers is the one new, that the others are all as approved with the preliminary plan. Ms. Moran answered that is correct.

Mr. Troutman stated that the plan was side-railed by the economy as some others probably were, but they are glad to be back working on it, and are hoping the economy turns around by the time they are ready to break ground.

Mr. Engle explained that the waiver is only a change in how the material is placed. Right now the new ordinance requires a street section of 8" of subbase, 3" of 25mm superpave base, 2" of 19mm superpave binder, 1.5" of 9.5mm superpave wearing; placing the material in three passes. They propose to keep the 8" subbase, 4.5" of 25mm superpave base, and 1.5" of 9.5 mm superpave wearing. That is consistent with PennDOT's guidelines for local roads, as indicated in Pub 70. It is also consistent strength-wise. The difference is that the section will be placed in two passes, instead of three. He has spoken to Mr. Fleming about it, and as indicated in the review comments, the request is not supported. Mr. Engle noted that they still believe that they are providing something that is consistent and it is a matter of how it is placed and the timing of it. It is essentially the same type of material and the same strength of material, and consistent with PennDOT guidelines.

Mr. Lighty stated the reason for the change in requirements is that there can be a great amount of time a development is in the construction phase, and the wearing course is not done until its complete. That could damage the base by waiting all those years to put the top coat on. He asked if that was taken into consideration when asking for the request. Mr. Engle stated he believes it has been. It is consistent with what he and Mr. Fleming discussed. What the ordinance requires, essentially 5 inches of material in two passes, they propose to do in the base in 4.5 inches. That still gets the subbase, the strength, and the wearing course when the section is complete. The base can be patched before the wearing course is put on, but you don't want to tear up the wearing course with heavy equipment.

Mr. Fleming agreed they are proposing more base course paving than what is typical, in place of the new 2" of binder pavement. The reason the request is not supported is the binder course pavement is a tighter mix, it is not as porous as the base course pavement. Even though you are providing more base course pavement, it is still the more porous mix of bituminous that will allow water to penetrate through, and cause subbase and subgrade problems during construction, as well as the inlets will sit up and not collect water properly. By adding the bituminous binder course, it will protect the subgrade, and the integrity of the roadway in the long term. Often when the developer is ready to turn the road over to the Township, the damage has already been done and the only inspection is a visual inspection, and you just can't see it. The new paving scenario is a way to remedy that, which implements a tighter course during construction long before the traditional wearing course is laid.

Mr. Engle stated he did not believe there is a difference in the strength of the material between the base course and the binder. Mr. Fleming stated he did not think there was a significant difference in strength, it is more to do with the gradation of the stone. Mr. Engle asked what if they would place binder down as opposed to the base course, and get the necessary compaction. There would be two passes of binder. Mr. Fleming stated the strength is equal in that scenario, and it would still be 4.5" of binder. It has to be considered how thick the material is able to be placed; some materials have restrictions on the depth it can be placed before you have to roll it. Mr. Engle asked if this item could be left open so it can be worked out with HRG and staff. He noted that they do not wish to provide less material or strength, but they would like to avoid having to lay it in three passes.

Mr. Gingrich stated he agrees the gradation is the issue so as to avoid penetration of moisture. This is important especially if left without the surface coating for a period of time. Mr. Engle understands the concern, so he would like to attempt to address it satisfactorily.

Mr. Fleming stated the additional 2" of subbase and the additional 1.5" of first course of pavement, should mitigate the strength issue. He would support it as long as the strength is the same and the research is done to make sure it is possible. Mr. Lighty asked if Mr. Fleming and Mr. Engle can work it out. They both agreed they can.

Mr. Guise asked if superpave is a brand name. Mr. Fleming stated it is a proprietary design, a recognized mix design. It has been switched from the ID2 and ID3 and BCBC nomenclature about five years ago. At that time everyone switched to superpave. Mr. Guise asked if that material is okay. Mr. Fleming stated there are equivalents, if you order the old way they will convert it to the new way; it is a different way for the designers to recognize the strength. Mr. Gingrich asked if it is the PennDOT standard. Mr. Fleming agreed that it is. Mr. Beverly asked if it is durable over time. Mr. Fleming answered yes.

Mr. Guise asked about the fire hydrants. Mr. Engle stated they have addressed that comment.

Mr. Guise asked if the applicant can address all of the other comments. Mr. Engle stated yes, and that he and Mr. Fleming talked over some of them today. Mr. Fleming stated that since this plan

already went through the preliminary plan process, many of the issues, especially the large scale design comments, were worked out at that time.

Mr. Lighty asked about the arch culvert for Cider Press. Mr. Fleming stated yes, they are moving forward with their design.

Mr. Guise asked if the four units with above the garage units are designed to be rented out. Mr. Troutman stated that they went through the plan and identified the units that will have the second unit, and he thinks there are seven total, four of which are in Phase 1. The intent is to allow the owner to rent out the second dwelling unit. Mr. Newsome asked if they are identified on this plan. Mr. Troutman stated that they were very specific about this issue during the preliminary plan, so they are called out on those plans, if they are not on these. Mr. Engle offered to clarify it if they are not on these plans. After some looking, it was agreed that the lots with the accessory dwelling are Lots 121, 96, 148 and 158.

Ms. Lindsey asked about street widths. Mr. Engle explained that they vary since there are different types of streets within the development including main roads and alleys. The streets with a bike lane, have two 10-foot lanes plus two 4-foot bike lanes, for 28 feet total width. The typical street is 18 feet wide, from curb to curb. The alleys are 16 feet. Throughout the development there are on street parking areas where the streets narrow. One facet of a TND is the walkability, and controlling the traffic. A typical subdivision has wide straight streets which encourage people to speed because they will go as fast as they feel comfortable. The idea is to keep these streets narrow and move the curbing in and out and it feels more compact, so you do not feel as comfortable going faster. The plan provides a specific bike lane safety area. The intersections are narrowed, focusing the attention into the pedestrian areas.

Mr. Ames, Dauphin County Planning Commission, stated this is a great plan. The mixed use is a true mix of housing types and they are mixed well. He noted that the County focuses its comments for this plan on traffic, and some questions. He asked if a traffic light is warranted at Fairmont Drive and Union Deposit Road, and if not now, possibly in the future. He asked what consideration has been given to traffic on Union Deposit Road. Mr. Engle stated a traffic impact study was done with the preliminary plan and approved. A traffic signal was not warranted at that intersection, now or in the future. There are some proposed off-site improvements, but not at that location. Mr. Lighty noted a significant off-site improvement is the traffic signal at Fairmont Drive and Locust Lane. Mr. Ames asked about an Highway Occupancy Permit (HOP). Mr. Engle stated an HOP will be required for the off-site improvements and for some other improvements. That is expected to be submitted to the Township shortly, possibly by the end of the year.

Mr. Guise made a motion to recommend approval of the plan, subject to compliance with the comments and conditions discussed. The motion includes a recommendation to approve the one additional waiver request, only if the applicant can demonstrate to the satisfaction of the Township Engineer and Staff, that the proposed will meet the strength and gradation requirements. Mr. Newsome seconded the motion, and a unanimous vote followed.

**Special Exception 10-02**  
**Major Home Occupation: Daycare**  
**Jessica Gasper, 811 Harrogate Drive**

Ms. Moran stated Jessica Gasper has submitted an application for a Special Exception to allow the operation of a daycare facility within her home located at 811 Harrogate Drive. A daycare use is considered a major home occupation, which requires a Special Exception. Ms. Moran explained that the application and narrative are provided to the Planning Commission for any advisory comments and a recommendation to the Zoning Hearing Board.

Mr. Lighty asked if it is Staff's opinion that the proposed use will create any problems to the neighborhood. Ms. Moran answered no.

Ms. Gasper, 811 Harrogate Drive, explained that she would like to open a home-daycare. She currently works full time and has two small children. She would like to stay home with her children, but cannot afford to not work. She is in the process of getting State-certified, so she will be following all of the State guidelines, and will be permitted to have six children in addition to her own children. The children will be under kindergarten age so she does not have to transport them. If they happen to be students of Paxtonia, she could have school age children. According to the State, she is allowed to have one infant (child under 12 months).

Mr. Gingrich expressed his appreciation of the applicant obtaining signatures from her neighbors indicating their support. Ms. Gasper explained she thought it was important to let them know what she planned to do. She further explained that she has a large fenced-in yard, and with the age of the children, they will not be out running around, they will be in her care at all times. She felt it was important that the neighbors are aware of her intentions, and that they may see new faces in the neighborhood. She noted she wanted to be up front with them so they were comfortable coming to her if they would ever have any questions or issues. She noted it is a very kid-friendly neighborhood.

Ms. Lindsey thanked the applicant for going through the process the correct way, noting that some people open up a business in their home without doing the right thing.

There was no comment from the audience.

Mr. Guise made a motion to recommend to the Zoning Hearing Board that the Planning Commission has reviewed the application and has no objections. Ms. Lindsey seconded the motion, and a unanimous vote followed.

**Special Exception #10-03**  
**Major Home Occupation: Massage Therapy**  
**Amy Hoezee, 6003 Blue Ridge Avenue**

Ms. Moran stated Amy Hoezee has submitted an application for a Special Exception to allow the operation of a massage therapy facility within her home located at 6003 Blue Ridge Avenue. A massage therapy use is considered a major home occupation, which requires a Special Exception. Ms.

Moran explained that the application and narrative are provided to the Planning Commission for a recommendation and any advisory comments to the Zoning Hearing Board.

Mr. Lighty asked if it is Staff's opinion that the proposed use will create any problems to the neighborhood. Ms. Moran answered no.

Ms. Amy Hoezee, 6003 Blue Ridge Avenue, stated that she is a nationally certified massage therapist, practicing out of Capital Chiropractic Center. It would provide a financial benefit if she could practice out of her home and not have to pay rent, which can be a lot. It would also give her the opportunity to be with her family more.

Ms. Hoezee explained that she sees one client at a time, which is set up by appointment. There would be no more than one person at the home at a time. One issue that can arise with massage therapy is clients that have difficulty with stairs, and this home has a studio with an entrance directly from the driveway.

Ms. Lindsey asked if massage therapists are State inspected. Ms. Hoezee explained that Pennsylvania is one of the few states that do not license massage therapy. She went to Baltimore School of Massage, the York campus and the Baltimore campus.

Mr. Lighty asked if the applicant spoke to any of the neighbors. Ms. Hoezee stated she did not, because she is only just moving in. The closest neighbor is about a half-acre away, and she is willing to speak to her, but has not had the opportunity to do so.

Ms. Lindsey stated she visited the property, and the set up is such that the neighbors probably would not have any problem, because of the way the driveway and the cove area are set up.

Ms. Lindsey made a motion to recommend to the Zoning Hearing Board that the Planning Commission has reviewed the application and has no objections. Mr. Grove seconded the motion, and a unanimous vote followed.

**Special Exception #10-04**  
**Expansion of Non-Conforming Use**  
**SouthCentral EMS, 5531 Poplar Street**

Ms. Moran stated that SouthCentral Emergency Medical Services (SCEMS) has submitted an application for a Special Exception to allow them to expand a nonconforming use at 5531 Poplar Street. Section 805, Nonconformities, of the Lower Paxton Township Zoning Ordinance states that a building used by a nonconforming use shall not be expanded except in accordance with the following provisions: an expansion of more than five percent in total building floor area shall require special exception approval from the Zoning Hearing Board. Ms. Moran explained that the application and narrative are provided to the Planning Commission for a recommendation and any advisory comments to the Zoning Hearing Board.

Frank Grottola, Act One Consultants, Scott Buchle and Barry Calhoun, SCEMS, were present on behalf of the application.

Mr. Lighty asked if the Township received a drawing with the application. Mr. Grottola presented a two-page drawing of the site. He explained that the shaded area represents the existing conditions, and the dotted lines are the setbacks.

Mr. Gingrich understood that the expansion is more than 5%, and asked how much of an expansion it will be. Mr. Grottola stated it is not a large expansion, but it is more than 5%. Mr. Grove stated that based on the information submitted it is a 50% expansion.

Mr. Grottola explained the reasons behind the need for the expansion, including navigating the site and security of the medications and supplies.

Ms. Lindsey asked the Fire Company's take on the plan. Mr. Calhoun stated that Paxtonia Fire Company has been contacted. He and Jim Rowe, president of the Fire Company, have sat down about it, and they will formally get a letter after tonight's decision, so they can write a letter of approval of what is being done. Paxtonia wouldn't provide a letter of support until they know what the Planning Commission's decision is. Mr. Newsome asked about Maxine Avenue, the unopened but paved alley going through the property. He asked if it is used by vehicles. Mr. Calhoun stated that the firemen go in and out that way but its not a thoroughfare, they have access to Johnson Street.

Mr. Newsome asked where the property line is located, he noted he can see it on the one drawing but not on the photograph. Mr. Grottola stated the pink flag is the corner marker. Mr. Newsome asked if it is paved and if it is used for parking. Mr. Grottola stated it is. Mr. Newsome stated it is an unopened, paved, platted street. Mr. Grottola stated it is on paper. Mr. Newsome asked about the ownership of the alley. Mr. Grottola stated he did not know the answer to that. He added that it has been used this way for so long. Mr. Newsome asked if there are pins at all four corners and if the surveyor set their own pins. Mr. Grottola stated they did not survey that, they only surveyed the property to get accurate dimensions. He suggested it might be about halfway between the color changes.

Ms. Lindsey noted that if the building is extended, a vehicle will not be able to get around it. Mr. Grottola stated there would probably be about 10 feet. They want to leave the other side open so vehicles can go towards Paxtonia, not towards the residences.

Mr. Newsome asked if the drawings were submitted to the Township. Ms. Moran stated she received a set of drawings as exhibits for the Zoning Hearing Board. The Township did receive one set of the same drawings for the Planning Commission, but it was then discovered they would need to apply for a Special Exception and variances. She noted the plan is in the process of being reviewed now.

Ms. Moran reminded Mr. Calhoun that the Planning Commission is a recommending body, they do not make a final decision. The Zoning Hearing Board will decide about the special exception and variances.



Mr. Lighty asked for comments from the audience. There was none.

Mr. Newsome made a motion to recommend to the Zoning Hearing Board that they grant the Special Exception for SouthCentral EMS. Ms. Lindsey seconded the motion, and a unanimous vote followed.

### **Business Improvement District**

The next regularly scheduled BID workshop meeting is October 25, 2010, at 5:30 pm. The Commission will continue to review the materials for the Preliminary Plan.

### **Wind Energy Subcommittee**

Mr. Lighty asked that the subcommittee members review the County Model Ordinance. Once everyone has reviewed it, a meeting will be scheduled.

### **PUBLIC COMMENT**

There was no public comment offered.

### **COMMISSIONER COMMENT**

Mr. Newsome stated that the Greenway Committee has met with the developer of Kendale Oaks to work on the easement along the length of the property, as indicated on their plan from several years ago.

### **ADJOURNMENT**

The next regular Planning Commission meeting is scheduled for Wednesday, November 10, 2010, at 7:00 pm at the Lower Paxton Township Municipal Center, Room 171.

Being no further business, the meeting adjourned at 7:58 pm.

Respectfully Submitted,

Michelle Hiner  
Recording Secretary